

1 ARTHUR A. HARTINGER (SBN 121521)  
2 [ahartinger@meyersnave.com](mailto:ahartinger@meyersnave.com)  
3 JESSE J. LAD (SBN 229389)  
4 [jlad@meyersnave.com](mailto:jlad@meyersnave.com)  
5 MEYERS, NAVF, RIBACK, SILVER & WILSON  
6 555 12th Street, Suite 1500  
7 Oakland, California 94607  
8 Telephone: (510) 808-2000  
9 Facsimile: (510) 444-1108

10 Attorneys for Defendants City and County  
11 of San Francisco

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM SETZLER,

Plaintiff,

v.

CITY AND COUNTY OF SAN  
FRANCISCO, a municipal corporation and  
DOES ONE through TEN, inclusive

Defendants.

} Case No. 07-CV-05792-SI

**STIPULATION TAKING MOTION TO  
DISMISS OFF CALENDAR**

Whereas, on January 28, 2008, Defendant City and County of San Francisco ("Defendant") filed a motion to dismiss Plaintiff's original Complaint;

Whereas, on February 8, 2008, this lawsuit was reassigned from Magistrate Judge Edward Chen to Honorable Susan Illston;

Whereas, Plaintiff's opposition to Defendant's motion to dismiss was due on March 21, 2008;

Whereas, on March 21, 2008, Plaintiff filed a First Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a);

Whereas, in light of this amendment, the parties stipulate to taking the hearing for the motion to dismiss, which is currently scheduled for April 7, 2008, off calendar;

1 Whereas, the parties also stipulate that Defendant will not be prejudiced in any  
2 manner by its agreement to take the motion to dismiss hearing off calendar;

3 NOW, THEREFORE THE PARTIES HEREBY STIPULATE through their attorneys  
4 of record that the hearing for Defendant's motion to dismiss, which is currently scheduled  
5 for April 7, 2008, will be taken off calendar. Defendant will file a responsive pleading to  
6 plaintiff's First Amended Complaint on or before April 21, 2008, and will not be prejudiced  
7 in any manner by its agreement to take the motion to dismiss hearing off calendar.

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9 DATED: March 25, 2008 MEYERS, NAVÉ, RIBACK, SILVER & WILSON

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11 By: /s/ Jesse J. Lad  
12 Jesse J. Lad  
13 Attorneys for Defendant

14 Dated: March 25, 2008 LAW OFFICES OF STEPHEN F. HENRY

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16 By: /s/ Stephen F. Henry  
17 Stephen F. Henry  
18 Attorneys for Plaintiffs

